

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THOMAS ROBERTSON, JR.,

08 Civ 1913

Plaintiff,

-against-

ANSWER

THE TRUSTEES OF COLUMBIA UNIVERSITY
OF THE CITY OF NEW YORK,

Defendant.

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Defendant, the Trustees of Columbia University in the City of New York (“Columbia”), by and through its attorneys, Putney, Twombly, Hall & Hirson LLP, as and for its Answer to Plaintiff’s Complaint (“Complaint”), answers as follows:

Denies the allegations contained in the first unnumbered paragraph of the Complaint, and specifically denies that Columbia violated any provision of Title VII or the ADA.

I. Parties in the Complaint:

- A. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph IA of the Complaint.
- B. Admits that Columbia maintains a facility at the address indicated in paragraph IB of the Complaint.
- C. Admits that Plaintiff was employed by Columbia.

II. Statement of Claim

- A. Denies the allegations contained in paragraph II A of the Complaint.
- B. Denies the allegations contained in paragraph II B.
- C. Denies the allegations contained in paragraph II C.

D. Denies the allegations contained in paragraph II D.

E. Denies the allegations contained in paragraph II E, except denies knowledge or information sufficient to form a belief as to the Plaintiff's medical condition, and denies that such a condition constitutes a disability as that term is defined by the Americans With Disabilities Act or other federal, state, or local law.

III. Exhaustion of Federal Administrative Remedies:

A. Denies each and every allegation contained in paragraph III A of the Complaint, except admits that the Plaintiff filed a Complaint with the New York State Division of Human Rights in May, 2006.

B. Admits the allegations contained in paragraph III B of the Complaint.

IV. Relief

Denies the allegations contained in paragraph IV of the Complaint.

AS AND FOR A FIRST DEFENSE

1. Any and all actions taken by Columbia were based on legitimate non-discriminatory reasons unrelated to any disability, race, or any other protected characteristic of the Plaintiff and unrelated to any invocation or exercise by him of his rights arising under Federal, State or local law.

AS AND FOR A SECOND DEFENSE

2. Upon information and belief, Plaintiff has failed to mitigate his damages, the existence of which is denied. Therefore, Plaintiff is not entitled to any relief.

AS AND FOR A THIRD DEFENSE

3. The Complaint fails to state a claim upon which relief can be granted.

AS AND FOR A FOURTH DEFENSE

4. The claims in the Complaint are barred, in whole or part, by the relevant statute(s) of limitations.

AS AND FOR A FIFTH DEFENSE

5. The claims in the Complaint are barred by the doctrines of waiver and estoppel.

AS AND FOR A SIXTH DEFENSE

6. Upon information and belief, Plaintiff does not have a disability as that term is defined by the Americans With Disabilities Act ("ADA") or any other Federal, State or local law.

AS AND FOR A SEVENTH DEFENSE

7. Plaintiff was offered numerous accommodations for his medical conditions. As such, he is not entitled to recovery.

AS AND FOR A EIGHTH DEFENSE

8. Plaintiff's claims are barred, in whole or in part, because Plaintiff has failed to file a timely claim thereon with the relevant administrative agencies and/or has

failed to exhaust all necessary administrative remedies or procedures regarding such claims.


AS AND FOR A NINTH DEFENSE

9. The Plaintiff's claims are barred, in whole or in part, by the Doctrine of Election of Remedies.

WHEREFORE, Defendant demands judgment dismissing the Complaint in its entirety, with prejudice, in awarding Columbia its costs, fees (including attorneys' fees) and disbursements occurred in defending this action and such other and further relief that this Court may deem just and proper.

Dated: May 19, 2008

New York, New York


Matthew M. Riordan (MR 4347)
PUTNEY, TWOMBLY HALL & HIRSON, LLP
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New York, New York 10175
*Attorneys for Defendant, The Trustees of
Columbia University in the City of New York*

To: Thomas Robertson, Jr.
424 W. 110th St., Apt. 20J
New York, New York 10027

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)

: ss.

COUNTY OF NEW YORK)

KATHERINE MARTIN, being duly sworn, deposes and says:

1. I am not a party to this action, am over 18 years of age and reside in New York, New York.

3. On May 20, 2008 I personally served the within ANSWER in this action upon:

Thomas Robertson, Jr.
424 W. 110th Street, Apt 20J
New York, NY 10027
Pro Se Plaintiff

By depositing a true copy thereof enclosed in a post-paid, properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within New York State, and by filing a true copy thereof via ECF.


Katherine Martin

Sworn to before me this
20th day of May, 2008


NOTARY PUBLIC

TABA RUBINOWITZ
Notary Public, State of New York
No. 01RU4646347
Qualified in Kings County
Commission Expires June 30, 2011